

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

Meeting Date:	November 19, 2007
Docket Number:	0711-VS-030
Appellant:	Bank of Indianapolis
Property Address:	2714 East 146 th Street
Variance of Standard Request:	<i>WC 16.08.010, I3a</i> Logos on Interior Circulation Signs

EXHIBITS

- | | |
|--------------------------------------|------------|
| 1. Staff Report | 11/19/2007 |
| 2. Aerial Location Map | 11/19/2007 |
| 3. Appellant's Application and Plans | 10/15/2007 |

RELATED CASES

0707-DP-09	Development Plan Approval
07-S-055	Sign Permit, Wall Signs

VARIANCE OF STANDARD REQUEST

This variance of standard request is to allow for corporate logos on interior circulation signs within a non-residential center in the SB-PD District (*WC 16.08.010, I3a*). Specifically, this request is for the Bank of Indianapolis site at the Cool Creek Village non-residential center.

PROPERTY INFORMATION

The subject property is approximately one acre, located on 146th Street in the Cool Creek Village non-residential center. The property is zoned SB-PD and is used commercially. Abutting property to the north and east is zoned SB-PD and is part of the Cool Creek Village non-residential center. Abutting property to the west is zoned SB-PD and is part of the Cool Creek Commons non-residential center. Abutting property to the south (across 146th Street) is within the City of Carmel's planning and zoning jurisdiction. Property to the south is located in Carmel's R-1 District, which is identified as a low-density single-family residential district, characterized by lots with areas between 10,000 square feet and one (1) acre. The subject property does not fall within any of the Town's overlay districts.

PROPERTY HISTORY

The development plan and site plan for the subject property were conditionally approved by the Advisory Plan Commission on July 23, 2007 (0707-DP-09).

There are no variances, special exceptions, or pending enforcement cases on record for the subject property.

ANALYSIS

The submitted application depicts plans for eight (8) internal circulation signs within the subject property. According to the submitted signage plan, there are four (4) proposed double-sided signs; the remaining four (4) signs are single-sided. Each proposed circulation sign would comply with the maximum height requirement of three feet (3') (WC 16.08.010, I3a). The submitted plans provide conflicting information regarding the size of each sign. One sheet depicts each sign at approximately 2.3 square feet in size; the other sheet depicts each sign at approximately 2.9 square feet in size. The maximum size for an interior circulation sign is two (2) square-feet; therefore, both depictions indicate larger signs than are permitted by the Sign Ordinance. If the requested variance is approved, the submitted circulation signs cannot be approved by staff, as presented, because they exceed the maximum size requirement for interior circulation signs.

The proposed ADA parking space identification sign (sign "L" in the submitted application) and the proposed stop sign (sign "M" in the submitted application) are regulatory signs that are required by law, and are therefore exempt from the provisions of the Sign Ordinance (WC 16.08.010, C1).

According to the most-recent sign permit for the Bank of Indianapolis, the maximum sign area allocated for the site is 80.24 square feet (includes sign-area bonus provisions) (07-S-055). Also according to sign permit 07-S-055, the wall signs consume 76.03 square feet of the available signage, leaving 4.21 square feet of available signage. If the requested variance is approved, the logos would be counted against the total sign-area allotment for the site. As a result, the existing signage would have to be modified to accommodate the additional advertising opportunities afforded by the logos on the circulation signs.

FINDINGS

No variance of standard shall be granted unless the BZA finds all of the following to be true:

- a. **That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

Findings: It is unlikely that the approval of the requested variance of standard would be injurious to the public health and safety of the community. The intent of internal circulation signage is to aid in the safety of vehicular and pedestrian traffic movement within a site, not serve as a platform for additional advertising and marketing. The addition of a corporate logo to such a sign would provide additional advertising and

marketability to a business that is located on the subject property. The intent of keeping circulation signs free from corporate information is to ensure equitable opportunity for business advertising within a nonresidential center through the use of other permitted signage. By allowing corporate logos on circulation signs on the subject property, this intent could be jeopardized.

b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Findings: Allowing corporate logos on the circulation signs on the subject property would not prevent the use of adjacent property. Approving the requested variance would not preclude a permitted business within the center the ability to operate and advertise, as allowed by the provisions of the zoning ordinance. However, if the requested variance is approved, adjacent businesses could experience less visibility and marketability than a business on the subject property. The unequal treatment of signage could negatively impact adjacent properties and business.

c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Findings: Strict adherence to the zoning ordinance would not result in a practical difficulty or prevent the use of the subject property. The ordinance allows circulation signage on the property. The ordinance also allows for wall signs, which affords business identification and advertising.

NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.

RECOMMENDED CONDITIONS

Deny this variance of standard request based on the findings of this report.

Should the Board move to approve this variance of standard request, the following conditions would be appropriate:

1. That the internal circulation sign area shall be counted against the total sign area allotment for the site;
2. That no more than eight (8) internal circulation signs contain a corporate logo; and,
3. That an amended sign plan depicting internal circulations signs that comply with the maximum size of two (2) square feet be provided to staff prior to the issuance of an Improvement Location Permit.

KMT

National Bank of Indianapolis
Exhibit 2



Petition Number: 0711-VS-030
 Date of Filing: 10/15/07

Application for VARIANCE OF DEVELOPMENT STANDARD
Westfield – Washington Township
Board of Zoning Appeals (BZA)

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name The National Bank of Indianapolis ; Morrie Murer
 Address 107 N. Pennsylvania St. Suite 700
Indianapolis, IN 46204
 Telephone Number (317) 261-9000
 E-Mail Address sharris@nbofi.com

2. Landowner's Name Thompson Thrift ; Paul M. Thrift
 Address 901 Wabash Ave suite 300
Terre Haute, IN 47807
 Telephone Number (812) 235-5959

3. *Representative Brenner Design, Inc. ; Tom McDowell
 *Address 108 East Market St.
Indianapolis, IN 46204
 *Telephone Number (317) 262-1220
 *Email Address tmcdowell@brennerdesign.com

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
The National Bank of Indianapolis at Cool Creek
2714 E. 146th Street
Carmel, IN 46033

5. Legal description of property (list below or attach)
see attached

6. Complete description of the nature of the development standard variance applied for:
Directional signage for the outlot
which incorporates identifiable logo,
matching signage of the bank building

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:
- Lot(s) shape and dimensions;
 - Location and dimensions of existing and proposed structures;
 - Location and dimensions of existing and proposed points of ingress and egress; and
 - All topographic and natural features and/or other unusual characteristics associated with the property.
8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of development standard shall be granted unless the BZA finds all of the following to be true :

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

The proposed directional signage will provide a consistent visual language and help patrons identify the directional information as pertaining to the bank specifically while anticipating adjacent parallel traffic patterns.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

The matching signage complements the building itself and contributes to an upscale look to the overall streetscape.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

We believe non-logo / compliant signage may create confusing directional wayfinding and impeded traffic flow. By comparison, variance for logoed signage will promote clear traffic decisions and improved flow.

TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Tom McDowell
Applicant

SUBSCRIBED AND SWORN TO ME THIS 15TH DAY OF OCTOBER, 2007.

Burt C. Ruff
Notary Public

My commission expires: 12-8-2011

Cool Creek Development
Bank Parcel
Created: May 7, 2007

Part of the Southeast Quarter of Section 18, Township 18 North, Range 4 East in Washington Township, Hamilton County, described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of said Section 18; thence South 89 degrees 45 minutes 45 seconds West (an assumed bearing) 1,209.84 feet along the South Line of the Southeast Quarter of said Section 18 to the eastern boundary line of the 0.165 acre tract of land described within Instrument Number 9709733807 of the Hamilton County Recorder's Office; thence North 00 degrees 14 minutes 15 seconds West 49.86 feet along the eastern boundary line of said 0.165 acre tract to the northern right-of-way line of 146th Street, the following six (6) courses are along the northern right-of-way line of 146th Street; 1) thence South 89 degrees 45 minutes 45 seconds West 418.44 feet; 2) thence South 03 degrees 48 minutes 39 seconds West 4.88 feet; 3) thence South 89 degrees 45 minutes 45 seconds West 90.20 feet to the POINT OF BEGINNING of this description; 4) thence South 89 degrees 45 minutes 45 seconds West 20.46 feet; 5) thence North 89 degrees 41 minutes 45 seconds West 104.94 feet; 6) thence North 89 degrees 13 minutes 25 seconds West 59.28 feet; thence North 00 degrees 14 minutes 15 seconds West 215.22 feet to a point of curvature to the right, said point being located South 89 degrees 45 minutes 45 seconds West 31.50 feet from the radius point of said curve; thence Northeasterly 49.48 feet along said curve to its point of tangency, said point being located North 00 degrees 14 minutes 15 seconds West 31.50 feet from the radius point of said curve; thence North 89 degrees 45 minutes 45 seconds East 153.17 feet; thence South 00 degrees 14 minutes 15 seconds East 248.76 feet to the POINT OF BEGINNING containing 1.046 acres, more or less.

CONSENT FORM

The undersigned Paul M. Thrift, being the owner of the portion of land located along the north side of 146th Street, just east of Cool Creek known as the Cool Creek Village Bank Parcel (described in the attached legal description), hereby authorizes The National Bank of Indianapolis, Brenner Design, and American Structurepoint, Inc. to apply for and execute land development applications for the propose of obtaining necessary permits from the Town of Westfield.

Owner Signature

Name Printed

Date

STATE OF INDIANA
COUNTY OF Hamilton, SS:

Subscribed and Sworn to before me this 12 day of June, 2007.

My Commission Expires:

Notary Public

Name Printed

Resident of Hamilton County.